

REMARKS

Overview

Claims 1-17 are pending in this application. Claims 1-7 and 16 have been withdrawn due to a restriction requirement. Claims 8-12, 14, 15 and 17 have been amended. No new matter has been introduced by the amendments to claims 8-12, 14-15 and 17. Applicant respectfully requests reconsideration of the rejected claims as currently presented.

Claims Rejected Under 35 U.S.C. § 102(b)

Claims 8-17 have been rejected as being anticipated by U.S. Patent No. 3,744,646 to Duncan.

Independent claim 8 has been amended to include the limitation for "a guide on each opposite side having an outward extending curved surface being adapted for engagement with a vertical sidewall of the dishwasher to substantially preclude lateral movement of the rack." This curved surface is shown in each embodiment, including the surface 28 of the clip guide 22 (Figures 1-5), the surface of the wheel guide 38 (Figures 6 and 8), and the surface of the integral guide 42 (Figure 8). Duncan clearly does not disclose this limitation. Duncan uses wheel 19 having a curved surface adapted to roll along a horizontal ledge. The curved surface of the wheels 19 of Duncan do not engage the sidewalls of the dishwasher to prevent lateral movement of the rack, as required by claim 19.

Applicant respectfully submits that Duncan does not disclose each and every element of the claimed invention. As the Federal Circuit has stated, for anticipation, every element must be present in the prior art reference "arranged as in the claim." Richardson v. Suzuki Motor Company, Ltd., 868 F.2d 1226, 1236 (Fed. Cir. 1989). The identical invention must be shown in its complete detail as contained in the claims. Id. Because Duncan does not disclose the curved surface limitation of claim 8, Applicant respectfully requests that the Examiner withdraw this rejection. As claims 9-15 and 17 depend from an allowable base claim, Applicant also asks that these rejections be withdrawn.

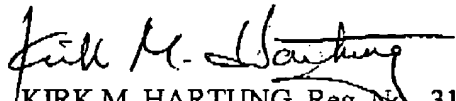
Applicant believes that as amended the current application is in form for allowance.

Conclusion

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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